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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/691,272 | 10/21/2003 | Jang Sik Cheon | SUN-0031 | 4945 |
| 23413 7590 08/02/2007 CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002 | | | EXAMINER BODDIE, WILLIAM | |
| | | | ART UNIT 2629 | PAPER NUMBER |
| | | | MAIL DATE 08/02/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/691,272

Applicant(s)

CHEON ET AL.

Examiner

William L. Boddie

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 26.
Claim(s) rejected: 9-12 and 17-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

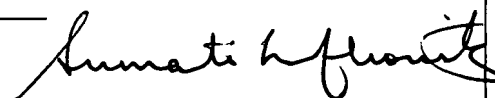
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.



**SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: the Applicants' arguments are not persuasive, and the newly added limitations raise new issues that would require further search and consideration. First addressing the amendments in the current communication, the Applicants have sufficiently altered the scope of claim 23 to require further search and consideration. Initially it appears as though the Applicants have merely incorporated the limitations of dependent claims 24 and 25 into claim 23. However, a closer inspection reveals that the light that is introduced into the pointing device has been amended from a plurality of lights being introduced and accepted by the device to a singular light that is now introduced and accepted by the device. This change in number is sufficient to require further search and additionally further consideration.

As to the Applicants' traversal of the rejections of claims 23-28 by Mumford, the Applicants arguments are not persuasive. Specifically, the Applicants argue that Mumford does not disclose that the light that enters the prism is the light that impinges on the optical sensor. The Applicants point to the dispersive prism of Mumford as evidence that the light that enters the prism is not the same light that is presented to the optical sensor.

The Examiner must respectfully disagree. The Applicants' claims do not require a purely reflective prism. Additionally "the light" that enters Mumford's device could simply be mapped in the claim to the red wavelength and as such it would certainly achieve the limitations of claim 23 as currently claimed.

Addressing the Applicants' arguments concerning the rejections of claims 18-22, the Applicants specifically argue that Bohn does not disclose a light guide.

The Examiner must again respectfully disagree. Bohn, very clearly, discloses, that element 108 in figures 3, 5 and 7 is a lens. As best understood by the Examiner, a lens is designed specifically to guide light. As such Bohn is seen as disclosing a light guide.

Finally on pages 10 and 11 of the Remarks, the Applicants' traverse the rejections of claims 9-12 and 17. Specifically the Applicants argue that Perret does not teach all elements of the claimed invention.

The Examiner must respectfully disagree. As discussed in the previous Office action all the elements of Perret map to the different plates and guide of Perret. The Applicants seem to point to element 52 as being applied to both the light concentrating plate as well as the side reflecting plate. However, as stated in the previous Office action element 52 is seen as the side reflecting plate, and element 47 of figure 1 is seen as the light concentrating plate. Thus there seems to be no conflict of elements in Perret.

As shown above the rejections of the claims are seen as proper and are thus maintained .